IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH JAIPUR

Order

S.B. CIVIL MISC. APPEAL NO.3588/2005
SMT.SUMAN V. ABDUL RAHIM AND OTHERS

DATE OF ORDER :::::: OCTOBER 18, 2006

PRESENT

HON'BLE MR. JUSTICE PREM SHANKER ASOPA

Mr.Hemant Goyal, for the appellant

This appeal arises out of the Award dated 13.09.2005 passed by the Judge, M.A.C.T. Sawai Madhopur in Claim Case No.55/2003 whereby an amount of Rs.40,000/- has been awarded to the claimant-appellant for the injuries sustained by her.

The facts of the case, in brief, are that on 1.7.2002 at 6.30 p.m. the appellant was going on foot from Maharana Pratap Colony to the house of her brother near Jyoti Nursing Home, and when she reached near PWD office, Car No. RJ 17-C 1293 which came from behind and hit her causing her injuries. The claimant filed the claim petition for awarding compensation amounting to Rs.9,66,299/-.

Submission of the learned counsel for the appellant is that in all, there were six injuries suffered by the claimant out of which five were simple but the remaining one was fracture of tibia bone on account of which the claimant suffered 12% permanent disability. Learned

counsel for the appellant has also contended that compensation on account of 54 days leave which had to be taken by the claimant has not been awarded. Hence, the award amounting to Rs.40,000/- is on the lower side.

I have heard learned counsel for the appellant and perused the impugned Award.

The Tribunal while deciding Issue No.2 has taken into consideration all the aspects, more particularly computation of compensation on account of 54 days leave.

In the above facts and circumstances, I am of the view that for 12% permanent disability and 54 days leave, the compensation of Rs.40,000/- awarded by the Tribunal is just, legal and proper and no interference is called for in this appeal.

The appeal is, therefore, dismissed.

(PREM SHANKER ASOPA),J.

GOPAL